

ENTERED

May 25, 2023

Nathan Ochsner, Clerk

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re:

SERTA SIMMONS BEDDING, LLC, et al.,
Debtors,

Chapter 11

Case No. 23-90020 (DRJ)
(Jointly Administered)

SERTA SIMMONS BEDDING, LLC, et al.,

Plaintiffs and Counterclaim Defendant,

v.

AG CENTRE STREET PARTNERSHIP L.P., et al.,

Defendants and Counterclaim Plaintiffs,

v.

AGF FLOATING RATE INCOME FUND, et al.,

Additional Counterclaim Defendants.

Adversary Proc. No. 23-09001 (DRJ)

**ORDER GRANTING EMERGENCY MOTION FOR ENTRY OF AN ORDER
AUTHORIZING THE EXCLUDED LENDERS TO FILE UNDER SEAL
PORTIONS OF THEIR PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW**

[Related to Document No. 298]

Upon the *Motion for Entry of an Order Authorizing the Excluded Lenders to File Under Seal Portions of Their Proposed Findings of Fact and Conclusions of Law* (the “Motion to Seal”)¹ in the above-captioned case seeking entry of an order pursuant to Bankruptcy Code sections 105(a) and 107(b), Bankruptcy Rule 9018, and Local Rule 9037-1 authorizing the Excluded Lenders to file under seal certain portions of their Proposed Findings of Fact and Conclusions of Law, all as

¹ Capitalized terms used but not defined herein have the meaning ascribed to them in the Motion to Seal.

more fully set forth in the Motion to Seal; and this Court having jurisdiction over this matter pursuant to 28 U.S.C. § 1334; and due and proper notice of the Motion to Seal having been provided; and such notice having been adequate and appropriate under the circumstances, and it appearing that no other or further notice need be provided; and this Court having reviewed the Motion to Seal and all objections to the Motion to Seal; and upon any hearing held on the Motion to Seal; and this Court having determined that the legal and factual bases set forth in the Motion and at any hearing held on the Motion to Seal establish cause for the relief sought by the Motion to Seal; and upon all of the proceedings had before this Court; and after due deliberation, it is **HEREBY ORDERED THAT:**

15. The Motion to Seal is **GRANTED**.

16. The Excluded Lenders are authorized to file under seal the Designated Materials pursuant to Bankruptcy Code sections 105(a) and 107(b), Bankruptcy Rule 9018, Local Rule 9037-1 and the Protective Order.

17. The Designated Materials shall remain confidential, and shall not be made available to anyone, other than as provided in this Order or further order of the Court.

18. The Excluded Lenders are authorized to cause unsealed copies of the Designated Materials to be served on and made available, on a confidential basis, to (a) the Court, (b) the Plaintiffs, and (c) any other party as may be ordered by the Court.

19. Notice of the Motion to Seal as provided therein shall be deemed good and sufficient notice of such Motion to Seal and the requirements of the Bankruptcy Rules and the Local Rules are satisfied by such notice.

20. The Excluded Lenders are authorized to take all actions necessary or appropriate to carry out the relief granted in this Order.

21. The Court retains exclusive jurisdiction with respect to all matters arising from or related to implementation, interpretation, and enforcement of this Order.

Signed: May 24, 2023.



DAVID R. JONES
UNITED STATES BANKRUPTCY JUDGE